

09/407,581

REMARKS

Claims 1-7, 10-13, 15-16, 18-19 and 43 are pending. The Applicants respectfully request the Examiner to reconsider the rejections in view of amendments to the claims now presented and the following remarks.

Rejection under 35 USC §102(e)

The subject matter of claims 1-2, 5-6, 11-13, 15-16 and 43 are rejected under 35 USC §102(e) as allegedly anticipated by the disclosure of Sunshine, *et al.*, U.S. Patent No.6,658,915. However, since Sunshine, *et al.*, application from which the '915 patent issued (Ser. No. 10/099,405), was filed March 15, 2002, i.e., after the filing date of the instant patent application, the disclosure of the issued patent is not necessarily available under §102(e) as prior art. Accordingly, the Applicant respectfully request the Examiner to provide a disclosure indeed available under 35 USC §102(e) to support the position of alleged anticipation, i.e., a disclosure that was filed before the instant application for patent.

The Applicant respectfully reminds the Examiner moreover that the instant invention specifically requires an *in situ* method for directly monitoring electronic or optic equipment and devices. The '915 disclosure, nevertheless, in sharp contrast to the Applicant's invention defined by the current claims, is drawn toward a *portable handheld* sensor and is not literally described, contemplated or suggested to be employed in the method within the scope of the Applicant's claims. Accordingly, even if the disclosure of Sunshine, *et al.*, U.S. Patent No.6,658,915 were available under 35 USC §102(e), the disclosure cannot as a matter of law anticipate the Applicant's defined method.

The Applicant, accordingly, respectfully requests the Examiner to withdraw the rejections.

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Rejections under 35 USC §103

The subject matter of claims 3, 4, and 7 is rejected under 35 USC §103(a) as allegedly obvious over Sunshine, *et al.*, U.S. Patent No.6,658,915 in view of Zenhausern published application 2002/0094531.

The Applicant respectfully points out to the Examiner, that Zenhausern application 2002/0094531, however, published July 18, 2002, i.e., after the filing date of the instant application.¹ Accordingly, this cited reference is also not available as prior art.

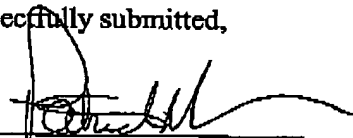
Accordingly, since neither cited reference is properly available as prior art, the Applicant respectfully requests the Examiner to withdraw the rejections.

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For all the foregoing reasons, the Applicants submit that Claims 1-7, 10-13, 15-16, 18-19 and 43 are in condition for allowance. Early action toward this end is courteously solicited. *The Examiner is kindly encouraged to telephone the undersigned in order to expedite any detail of the prosecution.*

The Commissioner is authorized to charge any deficiency or credit any overpayment in connection herewith to Deposit Account No. 13-2165.

Respectfully submitted,



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¹ Similar to the priority issue with Sunshine, *et al.*, U.S. Patent No.6,658,915.